

E-Filed on June 1, 2007

DIAMOND MCCARTHY LLP

909 Fannin, Suite 1500
 Houston, Texas 77010
 Telephone (713) 333-5100
 Facsimile (713) 333-5199

Allan B. Diamond, TX State Bar No. 05801800

Email: adiamond@diamondmccarthy.com

Eric D. Madden, TX State Bar No. 24013079

Email: emadden@diamondmccarthy.com

Special Litigation Counsel for USACM Liquidating Trust

LEWIS AND ROCA LLP

3993 Howard Hughes Parkway, Suite 600
 Las Vegas, NV 89169-5996
 Telephone (702) 949-8320
 Facsimile (702) 949-8321

Susan M. Freeman, AZ State Bar No. 004199

Email: sfreeman@lrlaw.com

Rob Charles, NV State Bar No. 006593

Email: rcharles@lrlaw.com

Counsel for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT**DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

Debtor.

Case Nos.:

BK-S-06-10725-LBR

BK-S-06-10726-LBR

BK-S-06-10727-LBR

BK-S-06-10728-LBR

BK-S-06-10729-LBR

In re:

USA CAPITAL REALTY ADVISORS, LLC,

Debtor.

JOINTLY ADMINISTERED

Chapter 11 Cases

In re:

USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC,

Debtor.

Judge Linda B. Riegle Presiding

In re:

USA CAPITAL FIRST TRUST DEED FUND, LLC,

Debtor.

NOTICE OF FILING PROOFS OF SERVICE OF SUBPOENAS FOR RULE 2004 EXAMINATION

In re:

USA SECURITIES, LLC,

Debtor.

Affects:

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

NOTICE IS GIVEN that the USACM Liquidating Trust herewith files the:

Proof of Service of Subpoena for Rule 2004 Examination of Eugene Buckley (Exhibit A Attached);

1 **Proof of Service of Subpoena for Rule 2004 Examination
2 of John M Keilly (Exhibit B Attached); and**

3 **Proof of Service of Subpoena for Rule 2004 Examination
4 on Hila Luzon, Authorized Agent of John H. Pilkington,
5 Resident Agent for J.M.K. Investments, Ltd. (Exhibit C
6 Attached).**

7 DATED: June 1, 2007

8 **DIAMOND MCCARTHY LLP**

9 **LEWIS AND ROCA LLP**

10 By: /s/ Eric D. Madden
11 Allan B. Diamond, TX 05801800 (pro hac vice)
12 William T. Reid, IV, TX 00788817 (pro hac vice)
13 Eric D. Madden, TX 24013079 (pro hac vice)
14 909 Fannin, Suite 1500
15 Houston, Texas 77010
16 (713) 333-5100 (telephone)
17 (713) 333-5199 (facsimile)

18 *Special Litigation Counsel for
19 USACM Liquidating Trust*

20 By: /s/ Rob Charles
21 Susan M. Freeman, AZ 4199 (pro hac vice)
22 Rob Charles, NV 6593
23 3993 Howard Hughes Parkway, Suite 600
24 Las Vegas, Nevada 89169-5996
25 (702) 949-8320 (telephone)
26 (702) 949-8321 (facsimile)

27 *Counsel for USACM Liquidating Trust*

PROOF OF SERVICE

DATE:
8:41 PM

PLACE:

SERVED: 05-21-07 7731 SPANISH BAY DRIVE LV, NV 89113

SERVED ON (PRINT NAME)

EUGENE BUCKLEY

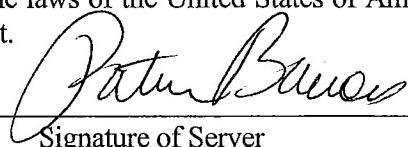
MANNER OF SERVICE

PERSONAL

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on 5-23-07
Date



Signature of Server

1118 FREMONT STREET LV, NV 89113
Address of Server

Rule 45, Federal Rules of Civil Procedure, Parts (c) & (d) made applicable in cases under the Bankruptcy Code by Rule 9016, Fed.R.Bankr.P.:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order by the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any persons who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance.

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held or,

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
(iv) subjects a person to undue burden.

(B) If a subpoena

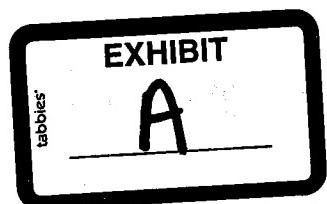
(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.



United States Bankruptcy Court

DISTRICT OF NEVADA

IN RE

**USA COMMERCIAL MORTGAGE COMPANY,
USA CAPITAL REALTY ADVISORS, LLC,
USA CAPITAL DIVERSIFIED TRUST DEED FUND LLC,
USA CAPITAL FIRST TRUST DEED FUND LLC,
USA SECURITIES, LLC,**

SUBPOENA FOR RULE 2004 EXAMINATION

CASE NOS. BK-S-06-10725 LBR
BK-S-06-10726 LBR
BK-S-06-10727 LBR
BK-S-06-10728 LBR
BK-S-06-10729 LBR

DEBTORS.

**JOINTLY ADMINISTERED UNDER
CASE NO. BK-S-06-10725-LBR**

AFFECTS: ALL DEBTORS

TO: Eugene Buckley
c/o Andrew S. Gabriel
McDonald, Carano, Wilson LLP
2300 W. Sahara Avenue
Suite 1000, No. 10
Las Vegas, Nevada 89102-4396

X YOU ARE COMMANDED to appear for examination under Federal Rule of Bankruptcy Procedure 2004, pursuant to the attached court order, regarding the following topics at the place, date and time specified below:

SEE ATTACHED EXHIBIT A FOR TOPICS OF EXAMINATION

PLACE OF TESTIMONY	DATE AND TIME
LEWIS AND ROCA, LLP 3993 HOWARD HUGHES PARKWAY, SUITE 600 LAS VEGAS, NEVADA 89169 (702) 949-8200	June 26, 2007 at 9:30 A.M. (or such other mutually agreeable date and/or time)

X YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below:

SEE ATTACHED EXHIBIT B FOR DOCUMENTS REQUESTED

PLACE	DATE
LEWIS AND ROCA, LLP 3993 HOWARD HUGHES PARKWAY, SUITE 600 LAS VEGAS, NEVADA 89169 (702) 949-8200	June 15, 2007 at 10:00 A.M. (or such other mutually agreeable date and/or time)

ISSUING OFFICER SIGNATURE AND TITLE	DATE
 Special Litigation Counsel for the USACM Liquidating Trust	May 15, 2007

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER
ERIC D. MADDEN DIAMOND MCCARTHY LLP 1201 ELM STREET, 34TH FLOOR DALLAS, TEXAS 75270 (214) 389-5306

AFFIDAVIT OF SERVICE

STATE OF NEVADA)
)
COUNTY OF CLARK)

MARIE A SCHEIB, being duly sworn deposes and says: that at all times herein affiant was and is a citizen of the United States, over 18 years of age, licensed to serve civil process in the state of Nevada under license #389, and not a party to or interested in the proceeding in which this affidavit is made. The affiant received on Thursday May 24 2007; 1 copy(ies) of the:

SUBPOENA FOR RULE 2004 EXAMINATION, ORDER REQUIRING JOHN M. KEILLY TO PRODUCE DOCUMENTS AND APPEAR FOR EXAMINATION PURSUANT TO FEDERAL RULE OF BANKRUPTCY PROCEDURE 2004, AND \$50.00 WITNESS FEE CHECK

I served the same on Friday May 25 2007 at 12:13PM by:

Serving the Witness, JOHN M KEILLY C/O JOHN H. PILKINGTON

Substituted Service, by leaving the copies with or in the presence of: HILA LUZON, RECEPTIONIST Authorized Agent. at the Witness's Business located at 517 S. THIRD STREET, Las Vegas, NV 89101.



SUBSCRIBED AND SWORN to before me on this
Friday May 25 2007



Affiant: MARIE A SCHEIB
LEGAL WINGS, INC. - NV LIC #389
1118 FREMONT STREET
Las Vegas, NV 89101
(702) 384-0305, FAX (702) 384-8638



none.3895300.165431 ◊

AFFIDAVIT OF SERVICE

STATE OF NEVADA)
)
COUNTY OF CLARK)

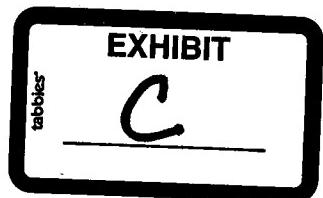
MARIE A SCHEIB, being duly sworn deposes and says: that at all times herein affiant was and is a citizen of the United States, over 18 years of age, licensed to serve civil process in the state of Nevada under license #389, and not a party to or interested in the proceeding in which this affidavit is made. The affiant received on Thursday May 24 2007; 1 copy(ies) of the:

SUBPOENA FOR RULE 2004 EXAMINATION, ORDER REQUIRING J.M.K. INVESTMENTS, LTD. TO PRODUCE DOCUMENTS AND ONE OR MORE REPRESENTATIVES FOR EXAMINATION PURSUANT TO FEDERAL RULE OF BANKRUPTCY PROCEDURE 2004, AND \$50.00 WITNESS FEE CHECK

I served the same on Friday May 25 2007 at 12:13PM by:

Serving the Witness, J.M.K. INVESTMENTS, LTD. C/O JOHN H. PILKINGTON, RESIDENT AGENT

Substituted Service, by leaving the copies with or in the presence of: HILA LUZON, RECEPTIONIST Authorized Agent. at the Witness's Business located at 517 S. THIRD STREET, Las Vegas, NV 89101.



SUBSCRIBED AND SWORN to before me on this
Friday May 25 2007

A handwritten signature in black ink, appearing to read "Marie Scheib". It is written in a cursive style with a long, sweeping line.

Affiant: MARIE A SCHEIB
LEGAL WINGS, INC. - NV LIC #389
1118 FREMONT STREET
Las Vegas, NV 89101
(702) 384-0305, FAX (702) 384-8638

